IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4731 OF 2004

Gopinath Mahadu Kirakire — Petitioner
vs.
Thane Municipal Corporation — Respondent

Mr.Amber Joshi for the petitioner.

Mr.R.S.Apte for the respondent no.1.

Mr.B.N.Rai for the respondent no.2.

CORAM : R. M. LODHA &
R. S. MOHITE,JJ.

DATED : 27th April 2005

P.C.

Heard Mr.Amber Joshi, the learned counsel for the petitioner, Mr.R.S.Apte, the learned counsel for the respondent no.1 and Mr.B.N.Rai, the learned counsel for the respondent no.2.

2. At the outset, we were informed by the learned counsel for the respondent no.1 that the sanction for the development of the land mentioned in paragraph 2 of the writ petition has lapsed. The learned counsel for the respondent no.1 also informed us that the road shown in the plan by the respondent no.2 has not vested in the respondent no.1. In view of the aforesaid facts which are not dispute, there appears to be no role in the matter of the respondent no.1.

3. As regards the petitioner's grievance against the respondent no.2 for having obstructed the access through the subject road, suffice it to observe that the petitioner has not come to the court with clean hands and suppressed the material facts regarding the suit being Regular Civil Suit No.890/1994 filed by him along with others against the present respondents and the factum of the said suit having been dismissed by the Civil Court. The petitioner having already failed in the Civil Court cannot be permitted to reagitate the issue by invoking extraordinary jurisdiction.

4. Writ petition does not deserve to be entertained.

Dismissed in limine.

(R.M. LODHA,J.)

(R.S. MOHITE,J.)